IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 7500 of 2006()

CMP.2418/2006 of J.M.F.C.-II, CHENGANNUR

.....

PETITIONER/ACCUSED

MOHANAN, AGED 37 YEARS,
S/O.KRISHNAN, PARAMBIL KIZHAKKETHIL VEEDU,
ULUNTHI MURI, ENNAKKADU VILLAGE,
CHENGANNUR TALUK.

BY ADV. SRI.K.JAYARAJ

RESPONDENTS: COMPLAINANT

KERALA STATE REPRESENTED BY EXCISE
INSPECTOR, EXCISE RANGE OFFICER,
CHENGANNUR, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7500 OF 2006

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DATED THIS THE 15th DAY OF JANUARY, 2007

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioner who is the accused in Cr.No.207/06 of Chengannur Excise Range for an offence punishable under Sections 8(1) and 8(2) of the Abkari Act for having been found in possession of 10 litres of arrack on 15.11.2006, seeks his enlargement on bail. He was arrested on 16.11.2006.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed, even after 60 days judicial custody of the petitioner. If so, the petitioner is entitled to bail as of right by virtue of the proviso to section 167(2) Cr.P.C. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Chengannur and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn